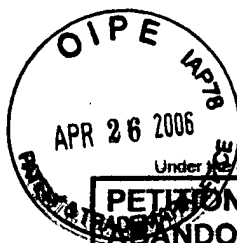


04-27-06

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PTO/SB/84 (10-05)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Docket Number (Optional)

First named inventor: **BRIAN F. JACKMAN**Application No.: **10/694,137**Art Unit: **3700 - 1450**Filed: **10/27/2003**Examiner: **PHILIPPE S. DERAKSHANI**

Title: **CARTRIDGE NOZZLE SEAL OPENED
BY INTERNAL CARTRIDGE PRESSURE**

Attention: Office of Petitions
Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450
 FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions
 Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☒ Small entity-fee \$ **750.00** (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of **MISSING 6 PG AMENDED CLAIMS & 1 PAGE** (identify type of reply):

AMENDED SPECIFICATION + STATEMENT

☐ has been filed previously on _____.

☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ **04/28/2006 TBESHAH1 00000025 10694137**

☐ has been paid previously on _____.

☐ is enclosed herewith.

01 FC:2453

750.00 OP

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

3. Terminal disclaimer with disclaimer fee

☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Brian F Jackman
Signature

04-26-2006
Date

BRIAN F. JACKMAN
Typed or printed name

Registration Number, if applicable

39 PARK ST
Address

508 740 9068
Telephone Number

HUDSON MA 01749
Address

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unintentional delay

☐ Other: (6 SHEETS AMENDED CLAIMS) (1 SHEET AMENDED SPECIFICATION)

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-8300.

04-26-2006
Date

Brian F Jackman
Signature

BRIAN F JACKMAN
Typed or printed name of person signing certificate



PETITION FOR REVIVAL OF APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY

This reply is in response to Notice of Abandonment office action mailed 07 February, 2006.

Application No.: 10/694,137

Title: CARTRIDGE NOZZLE SEAL OPENED BY INTERNAL CARTRIDGE PRESSURE

Applicant: Brian F. Jackman

STATEMENT

I, Brian F. Jackman, hereby respectfully petition for the revival of my application No. 10/694,137 filed 27 October, 2003. My application was not intentionally abandoned for reasons described herein:

The reason cited by the examiner on Pg. 1 of the office action of 07 February, 2006 resulting in a Notice of Abandonment holding of my application states that:

1. X Applicants failure to timely file a proper reply to the Office letter mailed on 06 June 2005.

(c) X A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non final rejection. See 37 CFR 1.85 (a) and 1.111.

Additionally, listed under Comments on page 2 of the Notice of Abandonment office action the examiner states in part that:

Applicants reply to the Office Action of 6/6/05 was received in the Patent and Trademark office on 12/05/05, which is after the expiration of the period for reply set in the last Office Action. Since no time remains for applicant to obtain an extension of the period for reply by filing a petition under 37 CFR 1.136 (a), this application is *abandoned*.

After speaking with examiner Derakshani on the phone he explained that my application was held Abandoned for the following reasons:

(1) I failed to enclose an amended copy of the specification and claims reflecting the cancellations and deletions listed on Pg. 2 of the Amendments to the Specification and Pg. 3 of the Amendments to the Claims in my reply of 12/05/05.

(2) My reply was beyond the 6 month maximum time period set in the last office action.

(3) I did not enclose full payment for the 3 month extension beyond the initial 3 month time period allowed .

The claim that my reply of 05 December, 2005 to the office action of 06 June 2005 was beyond the time period allowed is incorrect. My reply to the Office Action of 06 June, 2005 was timely and was received by the Patent and Trademark office before the expiration of the period for reply set in the last Office Action as explained herein.

After I was unable to complete my reply to the Office Action of 06 June, 2005 within the first 3 month time period allotted, I filed a 1 month Petition for Extension of Time to reply. I mailed the petition

along with a check for \$60.00 to cover the fee. The petition and fee was received by the PTO on 02 September, 2005. However, the 1 month extension was also insufficient. Prior to the expiration of the 1 month extension I called and explained to examiner Khaira that I needed additional time. She said that I could take an additional 2 months and that I could send in the petition and the fee for the additional 2 month extension along with my reply to the office action. This I did. Since I had already filed and paid for a 1 month extension, I checked the 2 month extension box on the second petition for a total of 3 months extension. However, I deducted the \$60.00 fee that I had already paid for the 1 month extension from the 2 month extension fee of \$225.00, and sent a check for \$165.00 along with the petition. I did not realize that I should have deducted the \$60.00 from the 3 month extension fee of \$510.00 and enclosed \$450.00. Had I realized my error I certainly would have enclosed the correct amount. Although the fee I sent in with the second 2 month petition was not for the full amount, my reply with the extension form and fee was received by the Patent Office on 05 December 2005 which was prior to the 6 month expiration deadline of 06 December, 2005. This date is confirmed on Pg. 2 of the Notice of Abandonment. The examiner may have been unaware that I had also sent a prior 1 month Petition for Extension of Time.

I disagree with the finding that my reply of 05 December, 2005 did not constitute a proper reply or a bona fide attempt at a proper reply based on the following:

My reply to the Office Action of 06 June, 2005 rejecting my application for obviousness included:

- (a.) 1page Petition for Extension of Time.
- (b.) 5 pages Revised Amendment Practice Index.
- (c.) 19 pages Response to Office Action - Obviousness Rejection Factually Incorrect.
- (d.) 15 pages Declaration of Non - Functionality.
- (e.) \$160.00 payment fee.

In the 5 page Revised Amendment Practice Index of my reply to the office action of 06 June, 2005, I included a complete list of the Amendments to the Specification on Pg. 2 and a complete list of the

Amendments to the Claims on Pg. 3. Having taken notes from the inventors help line that it was not necessary to rewrite the claims when a claim was to be cancelled, I also believed that this included a partial deletion of a claim, and that listing the deletion in the amendment document was all that was required. Had I been aware that a copy of the claims and the specification reflecting the deletions and cancellations should have been included in my reply of 05 December, 2005, I certainly would have sent them, as I have in this petition.

I am a small entity first time applicant filing on my own behalf. Because of my limited resources I am unable to afford the services of an expert attorney in seeking my patent. My endeavors in have been guided in large part by the USPTO, including; correspondence from the USPTO; advice from the inventors help line web site; and advice from examiner Navneet Khaira who has since left the USPTO. All of which have been most helpful in my undertaking.

I responded in a comprehensive and intentional manner to the office action of 06 June 2005 rejecting my application as obvious. My reply took a considerable amount of time and effort and certainly represents a bona fide attempt at a proper reply.

Based on the facts presented herein, I respectfully petition for the revival of my application.

Sincerely,

A handwritten signature in black ink that reads "Brian F. Jackman". The signature is written in a cursive, flowing style with a horizontal line underneath the name.

Brian F. Jackman